

Remarks

Applicant thanks the Examiner for his review and comments. In response thereto new application papers with appropriate spacing are submitted herewith and certain claims have been amended and canceled.

With regard to Claims 1-3 the Examiner found that the programming service streams disclosed by Eyer (USPN 6588015 B1) anticipate the first side channel of the present invention. This finding is possible if no distinction is made between programming format and music type. Following is an example of this distinction. Channel A generally plays five fast pieces followed by one slow one. Channel B generally plays five slow pieces followed by two fast ones. Even if the type of music played on both channels is the same, the experience of listening to channel A will be quite different from that of listening to channel B because the formats (styles) are different. It is an objective of the present invention to enable a listener of channel A to create a personalized side channel that maintains the experience of listening to channel A. "According to the invention a station can customize a user's listening experience within the confines of that station's overall format... a station can leverage its format into unique, or at least more distinct, subformats suited to each listener. Rather than create entirely unique playlists for each listener, a station may design a number of preassembled playlist types and assign one of these to respond to a rejection of a selection within a preceding playlist" (paragraph 47 of the detailed disclosure).

Eyer discloses that, "A programming service stream is analogous to a 'channel' of a conventional analog radio broadcast" (col. 3 lines 2-3). In conventional analog radio moving from one channel to another is by definition to move outside of the confines of a station's overall format. Unlike Eyer, it is an intent of the present invention to enable a listener to stay within the confines of a station's format.

Claim 1 includes the following limitation regarding the creation of a side channel: "...an alternate personal playlist is already prepared when the listener reacts in a first manner to a program item of the top channel." The result of this limitation is that, "if a user listens to two similar music stations with similar playlists, removing the same selections from each may result in quite distinct playlists" (paragraph 39 of the detailed disclosure). Removing a same selection from Eyer does not have this effect.

Applicant respectfully requests the Examiner to reconsider Claims 1-3 in light of the above clarifications.

Claim 5 has been amended with the limitation that the style of the side channel is determined by the style of the top channel of the distinct program provider.

Claim 7 has been amended such that the first side channel includes a preassembled playlist distinct from the playlist of the top channel in the format of the top channel. This is referenced in the disclosure as follows: "...a station may design a number of preassembled playlist types and assign one of these to respond to a rejection of a selection..." (paragraph 47). As noted above a side channel of the present invention is distinct from an alternate channel in Eyer.

Claim 8 has been amended to incorporate the limitations of amended Claim 7.

The Examiner's comments regarding claim 12 have been noted and limitations have been added in response thereto. Each distinct input control of the present invention is now graphically linked to a non-changing portion of the display screen. This is disclosed in paragraph 12 of the detailed description as follows, "a single device controls the display of information on a consistent part of the display screen... Each dial relates to a pointer printed on the control device housing... The dials may be color coded to... further help associate a dial with its screen position." Figure 1 shows the graphic relationship between input control and screen position. As noted by the Examiner the display screen of Clayton (USPN 6725022 B1), "includes distinct portions dedicated for displays of specific types of information." In Figure 2 Clayton shows preset buttons 166 proximate to soft preset button labels 170 on screen display 160. The relationship between preset buttons 166 and soft preset button labels is thus implied by proximity. However, with regard to Tuner 164 proximity is not a reliable guide to screen position: "Status Area" is arguably closer to Tuner 164 than "Selected Channel Display". Clayton does not anticipate the present invention's graphic link between input control and consistent screen position.

Similarly, Chan (USPN 6600908) and Lehr (USPN 6741869) do not teach a visual association between an input button or dials and a dedicated non-changing portion of the display screen.

Claim 15 has been amended with the further limitation that the graphic link between the rotatable dial and the consistent portion of the display screen is a pointer printed on the control device housing.

Claim 16 has been amended and is now dependent on claim 15 and pertains to a second rotatable dial positioned coaxially around the first one. The graphic link to the non-changing portion of the display screen for the second dial is also a pointer printed on the control device housing. The graphic links for the first and second dials are color coded to differentiate them. Figure 1 of the present invention shows two rotatable dials, one coaxial around the other, each with its own unique pointer. As noted above, paragraph 12 of the detailed description discloses color coding, "the dials may be color coded to match colors... of the printed pointer."

Claims 20 and 26 have been amended with limitations pertaining to modify control buttons on the control device. The modify control buttons are shown in Figure 1 with the labels "Replay", "Send/Fwd" and "Delete". The function of these buttons is discussed in paragraphs 21-26 of the detailed description. The modify control buttons of the present invention are unique because they are dedicated to the specific purpose of modifying a current playlist item that appears in a dedicated portion of the display screen and nothing else. Clayton discloses "Action Buttons" and "Preset Buttons" in Figure 2 and as follows: "Preset buttons 166 on the display screen 160 are user configurable buttons that allow the user to select any one channel, group of channels or even channels from different categories that can be played or displayed with the press of a single button" (col. 9, lines 62-65); "Action buttons labels 174 and purposes may change from program to program. A button's label 174 indicates its current function" (col. 10, lines 26-30).

New claims 27, 28 and 34 add the limitation that the control device incorporates a button that causes information on the screen to be spoken to the listener. This is shown as "Talking Screen" in Figure 1 and is described in paragraph 74 of the detailed description: "...a button on the control device of Fig. 1 is labeled "Talking Screen". This enables the information on the screen to be spoken to the listener."

New claims 29-33 directly address the relationship between inputs on the control device and the non-changing portions of the display screen that the inputs act upon.

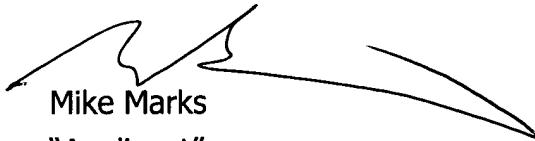
In view of the foregoing, Applicant respectfully submits that all claims are now in condition for allowance. Re-examination and reconsideration of the application are requested and allowance at an early date is solicited.

Dated: May 11, 2006

Respectfully submitted,



Joel Marks
"Applicant"



Mike Marks
"Applicant"